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09-15-04

RCE#



# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 08/957,709

Filing Date: October 24, 1997

First Named Inventor: Holly H. HOGREFE et al.

Group Art Unit: 1652

Examiner: D. Ramirez

Confirmation Number: 2438

Attorney Docket Number: 04121.0116-01000

Customer Number: 22,852

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 Fed. Reg. 14865 (March 20, 2000). Off. Gaz. Pat. Office 47 (April 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114:

### a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_.
- ii. ☐ Consider the arguments in the Appeal Brief of Reply Brief previously filed on \_\_\_\_\_.
- iii. ☐ Other \_\_\_\_\_

### b. ☒ Enclosed:

- i. ☒ Amendment (24 pages);
- ii. ☒ Petition for Five Month Extension of Time (2 pages);
- iii. ☒ Replacement pages 41 and 43 (2 sheets);
- iv. ☒ Paper copy of Sequence Listing (53 pages); and
- v. ☒ Diskette with Computer Readable Form of Sequence Listing (1 diskette).

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## 2. Miscellaneous

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of number months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

### a. ☒ The filing fee is calculated as follows:

- i. ☒ \$385.00 fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Petition for Five Month Extension of Time \$1,005.00

### b. ☒ Check in the amount of \$1,390.00 enclosed.

### c. ☒ The Commissioner is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

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385.00 OP  
1005.00 OP

## Signature of Applicant, Attorney, or Agent Required

Name: Michael R. Albrecht

Reg. No.: 54,956

Signature: *Michael R. Albrecht*

Date: September 13, 2004

## CERTIFICATE UNDER 37 CFR § 1.10 OF MAILING BY "EXPRESS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name: Nancy Foster

Express Mail Label No.: EV 527340430 US

Signature: *Nancy Foster*

Date: September 13, 2004